

### **ATTACHMENTS**

Attached hereto is a declaration by the inventor, Zaher Al-Sheikh, filed under 37 CFR 1.131 stating prior invention relative to cited reference U.S. 5,920,053 (DeBrouse).

Attached hereto is a factual declaration of Ghadir Yaldo filed in support of the declaration of Mr. Al-Sheikh.

Attached hereto is a copy of priority filing U.S. provisional application Serial No. 60/060,817 filed October 1, 1997. This true copy is submitted as a courtesy to the Examiner.

### **REMARKS**

This amendment is submitted in response to the Office Action mailed July 2, 2003. Based on the attached declarations and following remarks, it is submitted that pending claims 1-9 are now in allowable form. Claims 1-9 stand rejected under 35 U.S.C. §102(e) as being anticipated by DeBrouse (U.S. Patent No. 5,920,053).

DeBrouse has a filing date and priority date of January 6, 1997.

The declaration attached hereto by the inventor of the above-referenced application claims a reduction to practice prior to January 6, 1997. Since the claims currently pending are supported by the disclosure in the priority document for the above-referenced application, U.S. provisional application Serial No. 60/060,817, it is submitted that DeBrouse is not prior art to the pending claims and as such withdrawal of the rejection as to pending claims 1-9 under 35 U.S.C. §102(e) as being anticipated by DeBrouse is solicited.

### **Summary**

Claims 1-9 are pending in this application. In light of the attached declaration under 37 CFR 1.131, it is submitted that all the pending claims are directed to allowable and patentable subject matter. Allowance of these claims and the passing of this application to

issuance are solicited. Should the Examiner find to the contrary, it is respectfully requested that the undersigned attorney in charge of this application be contacted.

Respectfully submitted,



Avery N. Goldstein  
Registration No. 39,204  
Gifford, Krass, Groh, Sprinkle,  
Anderson & Citkowski, P.C.  
280 N. Old Woodward Ave., Suite 400  
Birmingham, MI 48009-5394  
(248) 647-6000

Attorney for Applicant

ANG/gs  
Enclosures

GS-W:\Word Processing\ang\ZAA10204-amd.doc

**CERTIFICATE OF MAILING BY "EXPRESS MAIL"**

"EXPRESS MAIL" MAILING LABEL NUMBER EL 983169995 US

DATE OF DEPOSIT October 1, 2003

I hereby certify that this paper or fee (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service "Express Mail Post Office To Addressee" Service under 37 CFR 1.10 on the date indicated above and is addressed to: Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
Janice Kuehn